

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MAXELL, LTD.,

Plaintiff,

v.

VIZIO, INC.,

Defendant.

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Civil Action No. 2:22-CV-00121-JRG-RSP

ORDER

Defendant Vizio, Inc. ("Vizio") previously filed a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (the "Motion"). (Dkt. No. 34.) Magistrate Judge Payne entered a Report and Recommendation recommending denial of the Motion. (Dkt. No. 61.) Vizio has now filed Objections (Dkt. No. 62), with Plaintiff Maxell, Ltd. ("Maxwell") filing a Response (Dkt. No. 66).

After conducting a *de novo* review of the briefing on the Motion, the Report and Recommendation, and the briefing on Vizio's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Vizio's Objections, **ADOPTS** the Report and Recommendation, and **ORDERS** that the Vizio's Motion (Dkt. No. 34) is **DENIED**.

So ORDERED and SIGNED this 17th day of May, 2023.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE